

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Francis Bowen

v.

Civil No. 10-cv-542-SM

NH State Prison, Warden

ORDER

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated June 21, 2012, for the reasons set forth therein. " '[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal). Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

Respondent's Motion for Summary Judgment is granted (document no. 12).  
Petitioner's Motion for Equitable Tolling and Motion to Stay, which were  
incorporated in his Objection to the Report and Recommendations, are denied.  
Petitioner's Petition for Writ of Habeas Corpus (document no. 1) is hereby  
dismissed.

SO ORDERED.

July 18, 2012

/s/ Steven J. McAuliffe  
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Steven J. McAuliffe  
United States District Judge

cc: Francis Bowen, Pro Se  
Elizabeth Woodcock, Esq.